IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 19TH NOVEMBER 2007 / 28TH KARTHIKA 1929

Bail Appl..No. 7030 of 2007()

CRIME NO. 330/07 OF CHALISSERI POLICE STATION

PETITIONERS/ACCUSED NOS.2 TO 5:

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1. SABEER T.H., AGED 24 YEARS,
   S/O. HAMZA, THADATHIL HOUSE, KARIMBA-679 536,
   P.O. PERUMANNOOR.

2. SHAMEER T.P., AGED 24 YEARS,
   S/O. MOIDEENKUTTY THALAVANA PARAMBIL HOUSE,
   KOONAMOOCHI, THALAKKANDI P.O.-679 536.

3. GAFOOR T.P., AGED 25 YEARS,
   S/O. MANU, THALAVANA PARAMBIL HOUSE,KOONAMOOCHI,
   THALAKKANDI P.O.-679 536.

4. E.V. MOHAMMED, AGED 48 YEARS,
   S/O. MOIDUNNI, EACHARATTU VALAPPIL,
   THANEERKODE P.O., CHALISSERI-679 536.

BY ADV. SRI.SANTHEEP ANKARATH

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, REPRESENTING SUB INSPECTOR OF POLICE,
CHALISSERY POLICE STATION.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 7030 of 2007

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Dated this the 19th day of November, 2007

O R D E R

Application for anticipatory bail. The petitioners are accused 2 to 5. They face allegations for offences punishable, inter alia, under Section 353 r/w. 149 I.P.C. That is the only non-bailable offence alleged against the petitioners. The crux of the allegations is that the petitioners, who were allegedly raising protest and holding demonstration in connection with the call for a general strike/harthal in protest against the attitude of negligence against the Karipoor Airport, is that they had obstructed the police officials from discharge of their official duties. A Sub Inspector of Police was asked verbally not to unnecessarily interfere in the matter. There is no allegation of any physical obstruction.

2. The learned counsel for the petitioners submits that the petitioners are absolutely innocent and that the petitioners are unnecessarily vexed and harassed.

3. The learned Prosecutor submits that the State has no objection against the grant of anticipatory bail to the petitioners. I am satisfied, in the facts and circumstances of this case, that directions under Section 438 Cr.P.C. can be issued in favour of the petitioners, subject to appropriate terms and conditions.

4. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioners shall surrender before the learned Magistrate on 26.11.2007 at 11 a.m. The learned Magistrate shall release the petitioners on regular bail on condition that they execute bonds for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 27.11.07 and 28.11.2007 and thereafter on all Mondays

between 10 a.m. and 12 noon for a period of one month and subsequently as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioners do not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 26.11.07 and the police shall be at liberty thereafter to arrest the petitioners and deal with them in accordance with law.

(d) If the petitioners were arrested prior to their surrender on 26.11.9.2006 as directed in clause (1) above, they shall be released on bail on their executing bonds for Rs.25,000/- each without any surety undertaking to appear before the learned Magistrate on 26.11.2007.

(R. BASANT)
Judge

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